

(Sealed)
Brief Exhibit
No. 24

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United States Department of the Interior

Bureau of Land Management & National Park Service



Gold Butte Cattle Impound Risk Assessment

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Note: This is an internal briefing document to assess risk containing sensitive law enforcement information and is not to be printed or distributed without the knowledge and approval of the United States Department of the Interior.

Objective:

To conduct a GAR Risk Assessment on the Gold Butte Cattle Impound utilizing operational risk management principles.

Background:

The United States has documented a significant level of trespass grazing on federal lands that include critical desert tortoise habitat, archeological resources, and a potential National Conservation Area. The trespass cattle are owned by Mr. Cliven Bundy and/or are apparent feral offspring of his cattle. In 1998, the U.S. District Court in the District of Nevada issued a permanent injunction prohibiting Bundy from placing any livestock on federal lands in the former Bunkerville Allotment. There was no expiration date on the permanent injunction and Bundy remains in violation of the court order.

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Additionally, in the summer and fall of 2013, a federal District Judge ruled Bundy's cattle have caused, and continue to cause, damage to natural and cultural resources and pose a threat to public safety. The District Judge ruled the public interest is best served by having the federal lands managed without the presence of trespassing cattle on lands closed to grazing. The ruling stated the public interest is also best served by removal of trespassing cattle and the public interest is negatively affected by Bundy's continued trespass. Through rulings in two separate federal court orders, the District Judge granted the United States injunctive relief to prevent continued trespass. By these court orders, Bundy was permanently enjoined from trespassing cattle in the area. The District Judge ordered the United States is entitled to protect the Gold Butte area against the current trespass and all future trespass by Bundy.

The 2013 court orders allowed Bundy a period of 45 days to remove his livestock from the area and granted the United States authority to seize and remove to impound any of Bundy's cattle that remained in trespass after the 45 day period. The 45 day allowance expired on November 22, 2013.

Process:

Four Basic Risk Management Principles are widely accepted and were considered during the risk assessment process.

A. Accept No Unnecessary Risk:

Unnecessary risk contributes no benefits to the safe accomplishment of a task, job or project. The most logical choices for accomplishing a mission are those that meet all the mission requirements while exposing personnel and resource to risk as low as reasonably practical.

B. Make Risk Decisions at the Appropriate Level:

The worker needs to be empowered to make final risk decisions at or below what the management of the organization says is acceptable. Making risk decisions at the appropriate level establishes clear accountability. Those accountable for the success or failure of a task, job or project must be included in the risk decision process. Supervisors at all levels must ensure subordinates know how much risk they can accept, and when they must elevate the decision to a higher level.

Key Point: Management determines what level of risk is acceptable and must clearly articulate this philosophy to the employees. Every individual, based on the situation must make the final decision of acceptable risk. It can never exceed what is acceptable to management without their approval.
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C. Accept Risk Only When Benefits Outweigh Costs:

Weighing risks against opportunities and benefits helps to maximize unit capability. Even high-risk endeavors may be undertaken when there is clear knowledge that the sum of the benefits exceeds the sum of the costs. This often requires the approval of management prior to an individual or team accepting the risk.

D. Integrate ORM into Planning at all Levels:

To effectively apply risk management, leaders at all levels must dedicate time and resources to incorporate risk management principles into the planning and execution phases of all operations. Integrating risk management into planning as early as possible provides the decision maker with the greatest opportunity to apply ORM principles.

Seven Key Steps of Operational Risk Management:

Every event/incident requires that we manage risk to keep it within acceptable boundaries. The following risk management steps were taken into consideration when completing this GAR Risk Assessment.

1. Define the task
2. Identify the hazards
- 3. Assess risk**
4. Identify Options
5. Evaluate Risk vs. Gain
6. Execute Decisions
7. Monitor/Supervise (watch for changes).

Green-Amber-Red: "GAR"

The GAR Risk Assessment is used to address more general risk concerns, which involve planning operations, or reassessing risks as we reach milestones with our plans. This is sometimes viewed as a more deliberate risk assessment or strategic risk assessment. GAR stands for Green, Amber, Red and is a simple rating scale. Numbers correlate with the colors to serve as a guideline measurement, but should not be considered a steadfast definition of risk or hazard. ORM recognizes that different organizations and workgroups within organizations have different levels of acceptable risk. It is up to an organization's leadership to define what levels of risk are appropriate.

The mission risk can be visualized using the colors of a traffic light. If the total risk value falls in the GREEN ZONE (1-23), risk is rated as low. If the total risk value falls in the AMBER ZONE (24-44), risk is moderate and you should consider adopting procedures to minimize the risk. If the total value falls in the RED ZONE (45-60), you should implement measures to reduce the risk.

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The majority of accidents and/or mishaps contain the following eight risk factors which are taken into consideration when conducting a GAR Risk Assessment:

- Supervision
- Planning
- Contingency Resources
- Communication
- Team Selection
- Team Fitness
- Environment
- Event or Operational Complexity

Working Definitions of GAR Elements and Rating

Supervision

Supervisory control should consider both how qualified the supervisor(s) is and also whether supervision is actually taking place. Even if a team member is qualified to perform a task, supervision acts as a control to further minimize risk. This may simply be someone checking what is being done to ensure it is correct. The higher the risk, the more the supervisor needs to be focused on observing and checking. A supervisor who is actively involved in performing a task at hand rather than observing employee performance and checking for safe compliance with procedures can be easily distracted and should not be considered an effective safety observer in moderate to high-risk situations.

During the Gold Butte Cattle Impound Operation the BLM and the NPS will utilize an Incident Command System (ICS) expanded into a Unified Command with experienced, supervisory personnel occupying all overhead positions. There is a clear line of communication as well as chain of command with acceptable span of control.

Rating: 3

Mitigations:

- Unified Command has been established between the Bureau of Land Management, National Park Service, and the Federal Bureau of Investigation.
- Clear lines of communication exist between all agencies involved, to include briefing executive levels of management on the operation.
- A table of organization was created to ensure single resource assets from BLM, who generally work alone, are aware of the command structure, the overall vision of the chain of command, and their designated duties and responsibilities.
- Leaders selected for the expertise within their areas of responsibility based on their ability to manage, motivate, and care for their respective teams.

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Planning

Planning and preparation should consider how much information one has, how clear it is, and how much time one has to plan the incident or evaluate the situation. Planning includes the use of pre-defined plans and on-site incident plans.

The Incident Management Team has been extensively planning the operation for several weeks, and building upon work conducted in 2012. Numerous parties have been involved in coordinating with outside parties, such as the US Attorney's Office, State and Local LE agencies, and other Federal LE Agencies. Great effort has been taken to meet the specific needs and or requests from all stakeholders involved.

Rating: 4

Mitigations:

- Unified planning for the operation between the BLM and NPS has been extensive.
- Briefings to include information to all levels, and specific to their involvement, from executive level daily briefings to daily incident action plans to those directly supporting operational activities.
- Goals of BLM and NPS are unified and properly communicated, ensuring exceptional information sharing, aligned goals of the Incident Management Team.
- Strategic communication plan allowing the BLM and NPS to educate the public and media with information, vetted by the solicitors office, on "talking points" in order to stay ahead of negative publicity.

Contingency Resources:

Contingency resources should include those pre-defined resources that will be called upon in an overwhelming incident. Items to consider include: Who is the team member going to call? Can he or she make the call? Are the contingency resources available and aware that they are such a resource? What is their capability for the incident? What is the response time for any given location?

This Cattle Impoundment Operation has extensive contingency resources to include medical, search and rescue, law enforcement, emergency response, contracting, dispatch and other support personnel to ensure safe and efficient operations.

Rating: 5

Mitigations:

- The amount of personnel for the event allows for personnel adjust to mitigate risk.
- Different agencies participating: NPS, FBI, DOJ, and BLM

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- Early planning and alignment of NPS and BLM, proper briefings, and updates have allowed the agencies to adapt. i.e. when LV Metro pulled from the operation, the FBI provided similar services.
- Health and Human Services participation enables employees' proper field care.
- Briefing the Utah congressional, law enforcement, and political contingent gained cooperation and support essential for the safe transport of cattle to the sale barn.
- Webinar briefing the operation so personnel can begin to understand complexity of event
- Alternate routes in and out of operations area
- Ability to change operational areas if issues arise work can continue
- Closure area across operational area
- Daily Incident plans

Communications

Communications need to ensure the clear and accurate sending and acknowledging of information, instructions, and commands; and provision of useful feedback. Items to consider are not only interpersonal communications but also the physical communication equipment.

Communications is three fold, internal, external and communications on the ground. see mitigations:

Rating: 6

Mitigations:

- Internal communications is the communication within the Department of Interior, the National Park Service and Bureau of Land Management.
- Briefings occurring on a regular basis
- Briefings occurring at all levels of the agencies
- In person briefings allowing clarity and direction of operation
- Coordination with all and Solicitors to allow for story to get ahead the spin in media
- External Communications is communications across agencies and entities.
- Monthly briefings with United States Attorney's office
- Monthly Meetings with Las Vegas Metro
- Meetings with the FBI
- Meetings with the State of Utah
- Meetings with federal entities in Utah
- Communications on the ground.
- Redundancy with repeaters
- Good communications in high public areas
- Pre-testing of communications center
- Redundancy of dispatch centers
 - Lake Mead Dispatch Center

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-Las Vegas Inter-Agency Center

- Back up generator for communication center
- Known radio and cell dead spots
- Using plain talk over the radio
- Maps built into the dispatch center (wild CAD)
- Drop points throughout the operational area so officers and dispatchers are clear where officers are located
- Dispatch lead has strong background in building stand alone dispatch centers
- Identification of non-uniformed staff with color of the day bands
- Established "check-in- out" procedures

Team Selection

Team selection should consider the qualifications and experience level of the individuals used for the specific incident or operation. Individuals may need to be replaced during the incident or in the operation. The same concerns apply to the contingency resources. Also, teams should have an adequate number of members from which to choose for any single mission.

The selection of the team for was extensively thought out and planned well in advance of the operation. Individuals were hand selected based on proven skill sets and unique abilities to perform mission specific duties. Due to the specific nature of the impound operation and preliminary threat assessments associated; numerous mitigation measures have been taken. The PWR SETT team is deployed as tactical response, as well as officers trained to work at the federal level as well as work with local and state entities. Civilian teams (trap operations, contract cowboys, etc.) have also been linked with LE forces to ensure safety.

Rating: 6

Mitigations:

- PWS Special Events and Tactical Team brought in due to its training and ability to function with known supervision and infrastructure
- Employees were hand selected based on their positive team behaviors and skills
- Contingency Planning for basic and advance law enforcement responses.
- Mission specific teams have been established throughout the operations structure.

Team Fitness

Team fitness should consider the physical and mental state of the team. This is a function of the amount and quality of rest a team member has had. Quality of rest should consider conditions slept in, potential sleep length, and any interruptions. Fatigue normally becomes a factor after 18 hours without rest; however, lack of

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quality sleep builds a deficit that worsens the effects of fatigue. Other factors to consider are physical preparedness and personal life factors that may impede the outcome of the operation.

Due to the remote location of this operation, fitness was one of the primary concern in the selection process. The ability to perform the duties required for this event requires a level of physical and mental fitness that was considered prior to each team member being selected. The remote locations and challenging terrain mandate the ability to take decisive action in a variety of situations. From hot weather, to hiking and long shifts or days overall individual fitness is essential. Although some members are from urban environments mitigation measures have been well planned.

Rating: 5

Mitigations

- Health and Human Services participation was brought into the operation to ensure employees have proper field care.
- Vehicle selection was addressed do to the remoteness
- Road improvements were conducted to ensure terrain readiness.
- Scheduling and locations were addressed to ensure team fatigue is monitored
- Individual team compositions were addressed to ensure the highest quality teams were working the operation.

Environment

Environment should consider factors affecting personnel performance and factors affecting the performance of equipment, vehicles, vessels, or aircraft. This includes, but is not limited to, time of day, wind exposure, temperature, humidity, precipitation, elevation, isolation, vertical exposure, proximity to aerial/navigational hazards and other exposures (e.g. oxygen deficiency, toxic chemicals, and/or injury from falls and sharp objects).

The physical environment is a remote desert landscape with gravel roads and a lot of off road operations. Its riddled with large messas, uneven terrain, snakes, cows and cactus. The temperature will be in the 80's to 90's during the day and can be as low as the low 40's at night. The community and political environment is constantly shifting. We anticipate protesters from the pro-cattle and anti-cattle expressing their position. Additionally, we expect blocking of roadways in interference with the cattle impound.

Rating: 8

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Mitigations:

- Daily briefings will include maps, weather forecast, environment concerns, and topography.
- Choke points presenting significant law enforcement challenges have been mitigating with alternative routes into gather area.
- Smart App maps have been created that provide personnel
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Event or Operational Complexity

Event/Incident complexity should consider both the required time and the situation. Generally the longer one is exposed to a hazard, the greater the risks. Factors considered include: how long the environmental conditions will remain stable; whether the activity requires specialized skills, whether there are dynamic and changing conditions; whether, or whether team members are required to divide their attention ; whether a fast-paced activity and sense of urgency induces stress; whether pre-plans and operating procedures cover a high percentage of the activities, or whether team members must use judgement and experience to respond appropriately to novel circumstances. Generally, simple, repetitive tasks occurring in highly structured and controlled work environments have the lowest complexity.

During the Gold Butte Cattle Impound Operation the BLM and the NPS will utilize an Incident Command System (ICS) expanded into a Unified Command with Agency Administrators, an Incident Commander (IC), a Deputy Incident Commander (DIC), an Operations Chief (Ops Chief), a Logistics Chief (Logistics Chief), and a Finance Section Chief. 83 BLM law enforcement officers, 23 NPS law enforcement officers, 3 USFS law enforcement officers, and 25 FBI law enforcement officers will be involved in this operation. These officers will be assigned to specialized teams spread over the approximate 578,724 acres. A majority of BLM/NPS/USFS law enforcement personnel will be working in a closed, remote area.

Rating: 8**Mitigations:**

- Incident Action Plans (IAPs) will be provided to determine daily areas of operation
- Vehicle selection was addressed do to the remoteness
- Daily safety tailgate trainings
- Policy to address how to interact with the community while staying there
- Twenty-four hour hotel security for employees and contractors
- PWS Special Events and Tactical Team brought in due to its training and ability to function with known supervision and infrastructure
- FBI SWAT brought in due to its training and ability to function with known supervision and infrastructure to address high risk events.

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- A color of the day has been established to quickly identify contractors and non-uniformed personnel.
- Check “in-and-out” procedures have been established.

GAR Findings

• SUPERVISION	3
• PLANNING	4
• CONTINGENCY RESOURCES	5
• COMMUNICATION	6
• TEAM SELECTION	6
• TEAM FITNESS	5
• ENVIRONMENT	8
• INCIDENT COMPLEXITY	8

Total 45

This GAR places the Cattle Impoundment at "Amber"; risk is moderate